

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EUGENE SHANER PENNIEGRAFT,	)	
	)	
Petitioner,	)	
	)	1:22CV95
v.	)	1:08CR231-2
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 4, 2022, was served on the parties in this action. (Doc. 222.) Petitioner objected to the Recommendation. (Doc. 224.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a *de novo* determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed and then dismissed sua sponte for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the Court of Appeals for the Fourth Circuit as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d), and that, there being neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a

debatable procedural ruling, a certificate of appealability not issue.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

May 10, 2022